THE TRAVANCORE ADMINISTRATOR-GENERAL BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to provide for the appointment of an Administrator-General for Travancore. The Bill has been published in the Gazette with a statement of objects and reasons. I beg to move that the Bill be read in Council.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): The Bill has been moved, I suppose.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now briefly explain the principle involved in the Bill. This is really a measure that is complementary to the Bill, for the grant of probate and letters of administration to the estate of deceased persons, which has passed the second reading in this House. I have already explained at the time of the introduction of that Bill how necessary it is in the interests of the public that there should be some legal provision for the granting of probate and letters of administration to the estates of deceased persons. Under that Bill administrators may be appointed to administer the estates of deceased persons. But that Bill provides for the appointment of private administrators. Cases may arise however when private administrators may not be available to take up the administration, or when private administrators appointed by the court want to give up their function as such and hand it over to somebody else, and a proper and fit person is not available to act as private administrator, or when the condition of the estate is such that emergent action should be taken before the appointment of a private administrator. In such and similar cases it is necessary that there should be a public official to administer the estate of deceased persons. It is this public official who is called the Administrator-General. I think it will be conceded by the House that if it is advantageous to have a private administrator it is necessary to have such a public officer. He will be subject to public control and public audit. Government will also take responsibility for the actions of the Administrator-General so that the estates of deceased persons will not suffer. The need for such an officer was felt by the Select Committee which considered the Probate and Administration Bill and they recommended that some of the provisions of the present Bill might be incorporated in that Bill. But it seemed to me that it would be better and more convenient to have a separate measure for this purpose. I suggested that to the Select Committee and they acceded to my suggestion and I undertook to prepare a bill in accordance with that. I therefore hope that this measure would receive the acceptance of the House.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I beg to support the motion. The necessity for a measure of this kind has been felt for a long time past by all those who were in any way connected (*Louder, please.*) with the administration of justice

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in Travancore. It follows generally the provisions of the British Indian Act on this subject. There are one or two points to which I would make a brief reference so that the question might be discussed in detail at the Select Committee.

One essential departure from the British Indian Law is this. The British Indian enactment defines the qualifications of the Administrator-General. The appointment is no doubt made by the Government. But the qualifications are fixed by the statute itself. On that point the measure now before the House is silent.

In British India, Sir, letters of administration are ordinarily issued by the High Courts in the Presidency towns in the exercise of the original jurisdiction vested in them. So far as the High Court of Travancore is concerned, under the High Court Regulation, it is not in a position to exercise any original jurisdiction. In fact the measure before the House contemplates the issue of letters of administration by the District Judges. That being so, in all matters connected with the administration of the estate under the control of the Administrator-General supervision must be exercised by the District Court subject to whose control the estate is being administered. From the draft Bill now before the House, we find—for illustration I may just refer to clauses 33 and 35—that the words 'High Court' have been put in, whereas strictly speaking, according to the constitution of the Travancore High Court and the procedure contemplated by the draft measure, the power should be vested in the District Court itself. In fact, Sir, even now in some suits the affairs of several institutions are being controlled by trustees or receivers subject to the control of the District Court within whose jurisdiction the properties are situate. That would be better since the District Judge is intimately connected with the administration of the estate with reference to which letters of administration have been issued. I say it will be very advantageous if that power of direction and control is vested in the District Court within whose jurisdiction the properties are situate instead of in the High Court. I do not know whether it was by mistake that this departure from the British Indian Act was made. If it was a mistake, it should be corrected. If it was a deliberate departure, I should submit, the position is not intelligible or clear. With these few observations I am for supporting the motion before the House.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, the great wealth of knowledge which has been placed before us in the speech of our esteemed Deputy President, I daresay, will be made use of by the Select Committee. I hope the necessary alterations will be made by them. As has been pointed out, while the British Indian Act specifically defines the qualifications necessary for the officer who is to be appointed as Administrator-General, our present Bill does not make any mention of it. The British Indian Act says:—

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[Mr. S. Piraviperumal Pillai.]

"No person shall be appointed to the office of Administrator-General of any of the said Presidencies who is not—

(*a*) a Barrister; or

(*b*) an Advocate, Attorney or Vakil enrolled by a High Court; or

(*c*) a person holding the office of Deputy Administrator-General at the commencement of this Act".

I really cannot understand why the Law Member who has in the statement of objects and reasons stated—

"This Bill has accordingly been prepared on the lines of the British Indian enactment . . . . . "

has failed to make this provision here also. There are other minor observations also which have to be made with regard to chapter III. I believe the Law Member will take note of these points and make the necessary alterations when the Bill is considered by the Select Committee. With these observations I also welcome the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The principle of the Bill is accepted, and I am sure that the observations made by the learned Deputy President and Mr. Piraviperumal Pillai will receive consideration at the hands of the Select Committee. It will be profitless on my part to make observations on these now. These are matters of detail which have to be considered and settled on an informal discussion. I request you, Sir, to put the question that the principle of the Bill be accepted.

The question that the principle of the Bill be accepted was then put to the vote of the House and carried.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be committed to a Select Committee consisting of the Deputy President, Mr. Piraviperumal Pillai, Mr. Ramavarma Raja, Mr. D. C. Joseph, Mr. K. P. Nilakanta Pillai, Mr. I. C. Chacko, Mr. Thanu Pillai, Mr. K. N. Ramasubba Aiyar and myself to consider and report within three months.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): If you do not rule me out of order, Sir, I should suggest that my name may be omitted.

PRESIDENT: I question whether the Law Member can afford to dispense with your help.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I am in your hands entirely, Sir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Krishna Aiyangar will be of great help to us in the Select Committee, Sir.

PRESIDENT: I hope, Mr. Krishna Aiyangar, even at a little personal inconvenience, you will serve on the Committee.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second the motion.

The motion was put to the vote of the House and carried.

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PRESIDENT: I nominate Mr. Krishna Aiyangar as the Chairman of the Committee. The Committee will report within three months.

THE TRAVANCORE OFFICIAL TRUSTEE BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introdce another Bill, which is also complementary to the Probate and Administration Bill, namely for the appointment of an Official Trustee in Travancore. The Bill has been published in the Gazette with a statement of objects and reasons and I now beg to move that the Bill be read in Council.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The function of the Public Trustee is one which requires a little explanation. When an Administrator-General has been appointed in respect of the estate of a deceased person he has to discharge all the liabilities on the estate. If assets still remain over they must be preserved in the hands of somebody. For that purpose there should be a public official. That official is called the Official Trustee. He is subject to public control and public audit and the responsibility for his actions will be taken by the Government.

This trustee may be made use of not only for the purpose of taking up the assets of deceased persons but also for other purposes.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether this trustee can administer religious endowments?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Not ordinarily. I may draw the attention of the member to sub-clause 5 of Clause 6 of the Bill which says that unless rules are made for the purpose the Official Trustee cannnot be utilised for administering Religious Endowments. But that may, if necessary, receive further consideration at the hands of the Select Committee, that is to say whether the provisions should be extended or curtailed. However, a Public Trustee is necessary and provision is made in this Bill for the appointment of such an official as well as for laying down his duties, rights and responsibilities.

I hope this Bill will also receive the acceptance of the House.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether the Law Member has any objection for one person to be Administrator-General and Official Trustee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be so done if advisable, but the law in regard to the two must be different.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): In recommending the Bill I have only to submit that the observations made by the learned Deputy President with regard to the Bill just now introduced will

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